

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA, AMENDING CHAPTER 54
OF THE CODE OF ORDINANCES OF WARRICK COUNTY,
INDIANA TO ADD ADDITIONAL FINANCIAL FUND PROVISIONS**

WHEREAS, Indiana's Home Rule Chapter (Ind. Code 36-1-3, *et seq.*) grants the Board of Commissioners of Warrick County the power to create, by ordinance, funds that are necessary to conduct the affairs of Warrick County;

WHEREAS, Section 54.11 of the Warrick County, IN Code of Ordinances empowers the Warrick County Stormwater Management Board (the "Board") to collect the expenses for any abatement of violation and/or restoration of affected property, as well as court costs and attorney fees;

WHEREAS, Section 54.14 of the Warrick County, IN Code of Ordinances empowers the Board to summarily abate or restore a condition in violation of the provision of Chapter 54 and deemed to be a threat to public health, safety, and welfare at the violator's expense, and for a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance with the costs, including attorney fees for injunction relief to be assessed against the violator;

WHEREAS, Section 54.99 of the Warrick County, IN Code of Ordinances empowers the Board to assess civil penalties to the fullest extent of the law against any person that has violated or continues to violate this chapter by a fine of up to Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) per violation per day with each day a violation continues after the original notification to be deemed a separate offense;

WHEREAS, Chapter 54 of the Warrick County, IN Code of Ordinances fails to authorize the Auditor of Warrick County to establish a Fund to receive, hold, and disburse funds collected under Sections 54.11, 54.14 and/or 54.99, which designation is required before the Auditor can accept such funds;

WHEREAS, the Board requests and desires the adoption of such an authorizing ordinance by the Board of Commissioners of Warrick County, and the Board of Commissioners of Warrick County hereby agrees to the adoption of this authorizing Ordinance; and

WHEREAS, this Ordinance is not intended to abridge the Auditor's requirements contained in other applicable statutes, codes, standards, regulations, or ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commisisoners of Warrick County, Indiana that:

The Code of Ordinances of Warrick County, Indiana, Chapter 54, is hereby amended in part to read as follows:

§ 54.16 Stormwater Board Violation, Restoration, Abatement, and/or Penalty Fund.

- (1) The Auditor of Warrick County shall establish a separate and dedicated non-reverting Fund for the benefit of the Warrick County Stormwater Management Board, to be known as the “Stormwater Board Violation, Restoration, Abatement, and/or Penalty Fund” for the purpose of accepting and holding deposits of violation and/or restoration abatement payments collected pursuant to Section 54.11, and/or for the acceptance of deposits for violations payments collected pursuant to Section 54.14 for the summary abatement or restoration of a threat to public health, safety, and welfare which has been declared and deemed a nuisance, and for the acceptance of penalties collected pursuant to Section 54.99.
- (2) The Auditor shall hold such funds in one Fund according to the Indiana State Board of Accounts requirements in such a manner that specific funds can be identified and traced to each separate enforcement, restoration, abatement, and/or penalty action.
- (3) The Auditor shall disburse such funds when so authorized by the Warrick County Stormwater Management Board by proper resolution moved, seconded, and receiving a majority affirmative vote. Such disbursement resolution shall also provide sufficient information so that the Auditor may ascertain to whom such disbursement is to be made.
- (4) The Stormwater Board Violation, Restoration, Abatement, and/or Penalty Fund shall be perpetual until terminated by the terms of this Ordinance or by enactment of a subsequent ordinance or amendment. In the event the Stormwater Board Violation, Restoration, Abatement, and/or Penalty Fund is terminated for any reason, the disposition of the fund balance, if any, shall be determined by the Board.

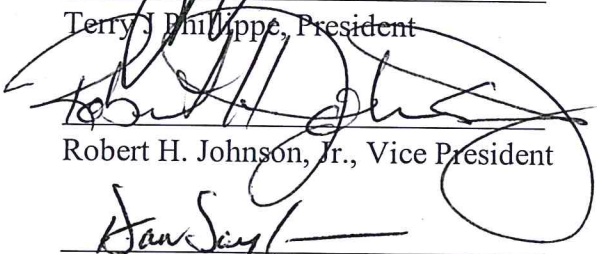
Those Sections of Chapter 54 of the Warrick County, IN Code of Ordinances not specifically amended by this Ordinance shall remain unchanged and unaffected.


This Ordinance shall be in full force and effect from and after its passage by the Board
of Commissioners of Warrick County, Indiana.

Approved this 26th day of April, 2021.

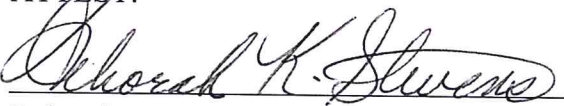
BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA


Terry J. Philippe, President

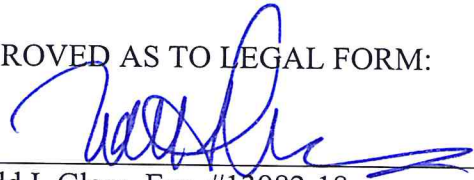

Robert H. Johnson, Jr., Vice President


Dan Saylor, Member

ATTEST:


Deborah K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:


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